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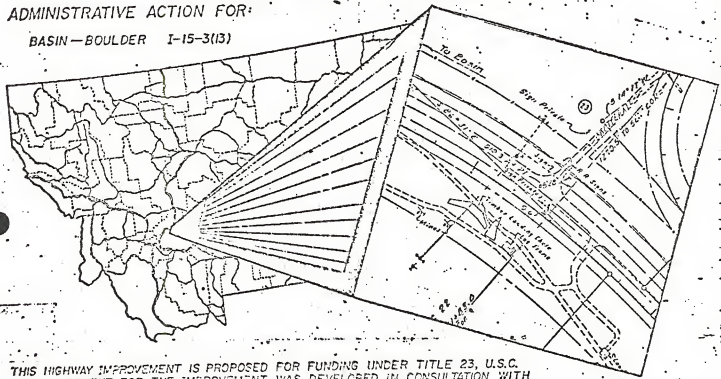
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H3e1s  
72-04-F  
Basin-  
Boulder

IT-EIS-72-04-F

DEPARTMENT OF  
TRANSPORTATION  
AND  
FEDERAL HIGHWAY ADMINISTRATION  
STATE OF MONTANA  
DEPARTMENT OF HIGHWAYS  
FINAL  
SECTION 4 (F) EVALUATION  
ADMINISTRATIVE ACTION FOR:

Basin-Boulder I-15-3(13)



THIS HIGHWAY IMPROVEMENT IS PROPOSED FOR FUNDING UNDER TITLE 23, U.S.C.  
THIS STATEMENT FOR THE IMPROVEMENT WAS DEVELOPED IN CONSULTATION WITH  
THE FEDERAL HIGHWAY ADMINISTRATION AND IS SUBMITTED PURSUANT TO  
42 U.S.C. 4352 (2)(C), 23 U.S.C. 128(a) and 16 U.S.C. 470(f).

RONALD P. RICHARDS, Director, Department of Highways

By: J. R. Beckert  
J. R. Beckert, Administrator  
Engineering Division

2-20-80  
Date

PLEASE RETURN

APPROVED AND ADOPTED BY THE FEDERAL HIGHWAY  
ADMINISTRATION

G. A. Allison  
Federal Highway Administration  
for Regional Administrator

3/24/80  
Date

DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
SECTION 4(f) DETERMINATION

for  
Montana Project I-15-3(13), Basin-Boulder

This statement sets forth the basis for a determination that there is no feasible and prudent alternative to the use of land from the Montana Central Railroad ore loading complex for a proposed Federal-aid project, designated as Project I-15-3(13), Basin-Boulder, and that the highway proposal includes all possible planning to minimize harm resulting from such use. This determination is made pursuant to 49 U.S.C. 1653(f) and 23 U.S.C. 128.

PROJECT DESCRIPTION

The proposed project involves the construction of Interstate 15 from 1.5 miles east of Basin to 1.5 miles west of Boulder. The four-lane, controlled access, divided facility will obliterate the existing two-lane road in the area of the 4(f) involvement. The project involved is covered in the final environmental impact statement dated October 18, 1973, Project I-15-3(12) and (13) and is about 5.5 miles in length.

SECTION 4(f) INVOLVEMENT

The Montana Central Railroad ore loading complex was determined to be eligible for inclusion in the National Register of Historic Places on July 2, 1979. The complex, built between 1915 and 1918 as a replacement for an earlier structure, consists of three ore loading ramps constructed of untreated timber. The structures' significance lies in the intricate design and large scale. The site, approximately 400 ft. X 100 ft., and structures will be destroyed by the proposed project.

ALTERNATIVES

Proceeding from south to north across the narrow canyon at the complex are the following: a mountain with the ore loading complex backed up against it, 120± ft. north is the existing highway, 60± ft. north of the highway and parallel is the Burlington Northern Railroad, north of the railroad the Boulder River meanders through the canyon, and north of the river are some houses and improvements.

Avoiding the complex to the south would entail a massive 230± ft. cut into the mountain, would denude the mountainside, and would completely alter the present character of the ore loading chute setting. The aesthetics and economics of this alternate are prohibitive.

Avoiding the complex to the north would involve a long one mile plus railroad line change and extensive channel alterations to Boulder River. One goal of the design process has been to preserve the Boulder River in its natural state to the greatest extent possible. The aesthetic, ecological and economic impacts of this alternate are highly undesirable.

The no-build alternate would necessitate a gap in Interstate 15 and would shuttle Interstate traffic onto the existing narrow highway with sharp curvature limiting travel speeds to 40 miles per hour.

The proposed project alignment passes between the ore loading complex and the present highway with the southbound lanes utilizing the area of the present highway, leaving minimal clearance between the new facility and the Burlington Northern Railroad. The proposed section through this area with a narrow median (38 feet between roadway centerlines), cuts into the base of the mountain requiring the 4(f) site's destruction.

#### MEASURES TO MINIMIZE HARM

To minimize the loss of the Montana Central Railroad ore loading complex, it has been photographed and documented in accordance with the standards of the Historic American Engineering Record. The data has been furnished to the Montana Historical Society and is available to other appropriate repositories.

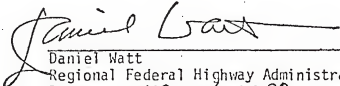
The above resulted from consultation and a memorandum of agreement among the Advisory Council on Historic Preservation, Montana Historic Preservation Officer, Montana Department of Highways, and Federal Highway Administration.

#### EVIDENCE OF COORDINATION

The final Section 4(f) Evaluation contains evidence of coordination with the Department of Interior, Office of the Secretary and Keeper of the National Register, Heritage Conservation and Recreation Service; Advisory Council on Historic Preservation; and Montana Historical Society, Historic Preservation Office.

#### CONCLUSION

The above factors and considerations establish that there is no feasible and prudent alternative to the use of land from the Montana Central Railroad ore loading complex and that the highway proposal includes all possible planning to minimize harm resulting from such use.

  
Daniel Watt  
Regional Federal Highway Administrator  
Date: MAR. 24, 1980

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Ecological Services Division, Helena, MT 59601  
Department of Fish, Wildlife, and Parks, Administrator, Recreation and Parks,  
Helena, MT 59601  
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Department of Natural Resources and Conservation, Office of the Director, Helena,  
MT 59601  
Department of Natural Resources and Conservation, Administrator, Conservation  
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Montana Historical Society, State Historic Preservation Officer, Helena,  
MT 59601  
U.S. Department of Transportation, United States Coast Guard Commander (CAN)  
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Director, 10455 E. 25th Ave., Aurora, CO 80010  
U.S. Department of the Interior, U.S. Geological Survey; MS-1-4, Chief,  
Environmental Impact Assessment Program, Reston, VA 22092  
U.S. Department of the Interior, Bureau of Mines, Chief, Western Field Operation  
Center, East 315 Montgomery, Spokane, WA 99207  
U.S. Department of the Interior, District Chief, Water Resources Division, U.S.  
Geological Survey, Box 1696, Helena, MT 59601  
U.S. Department of the Interior, Fish & Wildlife Service, Regional Director,  
Region G, Box 25486, Denver Federal Center, Denver, CO 80226  
U.S. Department of the Interior, Water and Power Resources Service, Regional  
Director, Region UM, Box 2553, Federal Office Building, Billings, MT 59103  
U.S. Department of the Interior, Bureau of Outdoor Recreation, Regional Director,  
Mid-Continent Region, Box 25387, Building 41, Denver Federal Center, Denver,  
CO 80225  
U.S. Department of the Interior, National Park Service, Regional Director,  
Rocky Mountain Region, Box 25287, 655 Parfet Avenue, Denver, CO 80215  
U.S. Department of the Interior, Missouri River Basin, Special Assistant to the  
Secretary, Room 688, Building 67, Denver Federal Center, Denver, CO 80225  
U.S. Department of Interior, Assistant Secretary - Program Policy, Director,  
Environmental Project Review, Washington, D.C. 20240  
U.S. Department of Transportation, Federal Highway Administration, Federal Office  
Building, 301 South Park, Drawer 10056, Helena, MT 59601  
Environmental Protection Agency, Deputy Regional Administrator, Region VIII,  
Suite 900, 1860 Lincoln Street, Denver, CO 80203  
Environmental Protection Agency, Director, Office of Federal Activities,  
Room 537 West Tower, Waterside Mall S.W., Washington, D.C. 20460  
Federal Housing Administration, Housing and Urban Development, Office of the  
Director, 616 Helena Avenue, Helena, MT 59601  
Bureau of Land Management, Montana State Office, Box 39157, Billings, MT 59107  
Department of the Army, Omaha District Corps of Engineers, 7410 U.S. Post Office  
and Courthouse, Omaha, NE 68102  
Board of County Commissioners, Jefferson County Courthouse, Boulder, MT 59632

U.S. Department of Agriculture, State Conservationist, Soil Conservation  
 Service, P.O. Box 970, Bozeman, MT 59715.  
 Louis S. Wall, Assistant Director, Office of Review and Compliance, Advisory  
 Council of Historic Preservation, P.E. Box 25085, Denver, CO 80225  
 Postmaster, Basin, MT 59631  
 U.S. Fish and Wildlife Service, Area Managers, Federal Building Room 3035,  
 316 North 26th Street, Billings, MT 59101  
 Montana Automobile Association, Box 4129, Helena, MT 59601  
 Montana Stockgrowers Association, Box 1679, First National Bank Building, Helena,  
 MT 59601  
 University of Montana, Attn: Dee Taylor, Department of Anthropology, Missoula,  
 MT 59601  
 Montana State University, Attn: Dr. A. P. Samson, Department of Anthropology,  
 Bozeman, MT 59715  
 Montana State University, Institute of Applied Research, Bozeman, MT 59715  
 Rick Graetz, Box 5630, Helena, MT 59601  
 Friends of the Earth, Attn: Ed Dobson, Box 882, Billings, MT 59103  
 Sierra Club, Upper Missouri Group, Attn: Jack Schmidt, Box 515, Helena, MT 59601  
 The Wilderness Society, 4260 East Evans Avenue, Denver, CO 80222  
 The Montana Power Company, 40 East Broadway, Butte, MT 59701  
 Mountain Bell Telephone Company, Incorporated, Attn: F. R. Ketron, Plant  
 Supervisor, Box 1716, Helena, MT 59601  
 Lewis and Clark Library, 120 S. Last Chance Mall, Helena, MT 59601

### Introduction

The attached final Section 4(f) evaluation documents 1) the determination that there are no feasible and prudent alternatives to the use of 4(f) land, and 2) that all measures to minimize harm have been considered during project planning of this federal aid undertaking.

The draft 4(f) evaluation was distributed on December 10, 1979, after which 45 days were allowed for the submittal of comments. The paucity of substantive comments on the draft version and lack of practicable alternatives to the use of 4(f) land, which in this case is an historic site eligible for inclusion on the National Register of Historic Places, have resulted in few changes in this final evaluation.

DV:ee:201G

SECTION 4(f) EVALUATION  
I-15 Boulder - Bernice

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FINAL  
SECTION 4(f) EVALUATION  
I-15 Boulder - Bernice

I. NEED

Presently a two lane primary highway (Route 91) is in place along the Basin Route. The existing highway is narrow (26' wide) and of moderate curves with the exception of the areas just west of Basin and about 2 miles east of Basin. Here the road follows narrow canyons with sharp curvature requiring travel speeds around 40 miles per hour. Pavement condition in these areas is fair to poor.

The new project is necessary to complete Interstate 15 through Montana. Presently Interstate 15 is completed from the Idaho Border North, to the Elk Park - Bernice project with the exception of a few sections in the Dillon area which are not operating within 4-lane interstate standards.

It is also completed from Boulder to the Canadian Border. In addition nine structures are completed or under contract on the Basin-Boulder project I-15-3(13)157.

The total monies expended to date on the Basin Route from Butte to Boulder has been \$17,741,869.00.



## II. PROJECT DESCRIPTION

The project involved in this 4(f) evaluation is noted in the final environmental impact statement, dated October 18, 1973 as I-15-3(12) and (13) on the approved Basin Route. The EIS addressed four alternates for routing. (1) Basin Route, (2) Nez Perce Route, (3) Whitetail Route and (4) The Boulder Valley Route. In addition, the no-build alternate was also considered. The Basin Route was approved with the other three routes and no-build alternate being classified as imprudent and unfeasible consideration.

The project will consist of four-lane interstate design with a narrow median.

The original 4(f) evaluation dealt only with parklands which were impacted within the selected highway corridor. Since then an in-depth historical inventory of resources was conducted by the University of Montana. Several sites associated with the mining industry in and around Basin were determined eligible for inclusion to the National Register of Historic Places.

One site, a Montana Central Railroad ore loading complex, located on the Basin-Boulder project was determined eligible for inclusion to the National Register of Historic Places. The proposed alignment will necessitate the removal of this site.

### III DESCRIPTION OF 4(f) INVOLVEMENT

The 4(f) involvement with historic properties was identified when the alignment was surveyed by an archaeological team from the University of Montana in late spring 1978. At that time, an historical inventory of resources was recommended as efforts had begun to nominate Basin and associated multiple resource area to the National Register of Historic Places. To evaluate and assess the historical properties, a study was undertaken by the individual who nominated the area to the National Register. This work was subcontracted through the University of Montana Anthropology Department.

The Montana Department of Highways, in conjunction with the Federal Highway Administration, has consulted the State Historic Preservation Officer to determine the area of potential environmental impact as outlined in Section 106 of the National Historic Preservation Act of 1966. Accordingly, a determination of eligibility for inclusion to the National Register of Historic Places was requested for the Montana Central Railroad ore loading complex, and it was determined eligible. The proposed action will have direct adverse effects on this resource.

The Montana Central Railroad ore loading complex at High Ore Creek Road was built between 1915 and 1918 as a replacement for an earlier structure at that same location. The complex consists of three ore loading ramps constructed of untreated timber. The entire site measures approximately 400 ft. x 100 ft. The structures' significance lies in the intricate design and large scale. The complex is one of few still intact in the state representative of the transportation phase of the mining industry.

#### IV ALTERNATIVES

(A) The original section 4(f) evaluation, included in the Butte-Boulder Final Environmental Impact Statement, addressed four alternates plus a no-build alternate and is evaluated in the Phase 1 section of that statement. Three alternates and the no-build alternate were found to be neither prudent nor feasible and the Basin Route was selected as the most desirable in August, 1974. This determination was based on the impact ratings and the considerations which are covered in Phase 1, Section VII, "Evaluation and Route Selection", of the original statement. They include evaluations of the effects on all alternate routes in the fields of Engineering, Environmental Planning, Economics and Sociology. Public opinion was also a consideration.

(B) The Montana Central Railroad Ore Loading Complex was found eligible for inclusion to the National Register and will be impacted by the Basin route. This site, which is located at the High Ore Creek area, is 120± feet south of the present highway.

The proposed alignment runs between the site and the present highway with the southbound lanes utilizing the area of the present highway. The site itself is at the base of a mountain which extends to the south.

The proposed highway typical section through this area is a narrow median section (38' feet between centerlines of roadways). 180 ft.± to the north of the site and parallel is the Burlington Northern Railroad. The Boulder River meanders through the area just north and west of the railroad.

One alternate studied to avoid the site was an alignment to the north of the present highway. This line would involve a long railroad line change (one mile +) and extensive channel changing of the Boulder River. One goal of the entire design process has been to preserve the natural Boulder River channel to the greatest extent possible, therefore, it is not feasible to sacrifice the river channel to avoid the ore loading chute.

A second alternate, to the south, would cause a massive 230'± cut section into the mountain, denude the hillside unnecessarily, entirely alter the present hillside setting of the ore loading chute, and is completely unreasonable and imprudent from an economic and aesthetic standpoint.

The proposed alignment cuts into the base of the mountain which entails the site's destruction. This is the only prudent alignment in this narrow canyon situation.

#### V AREA AFFECTED

In applying the criteria of adverse effect as set forth in 36 CFR 800.3, the action will involve the "destruction or alteration of all or part of the property." As discussed in the previous section, there is no feasible and prudent alternative to the direct physical impact to the Montana Central Railroad ore loading complex.

#### VI MITIGATION MEASURES

Measures to mitigate impact to the Montana Central ore loading complex have resulted from consultation and agreement among the Federal Highway Administration, the Montana Department of Highways, the Historic Preservation Office, (SHPO Staff), and the Advisory Council on Historic Preservation, and the Historic American Engineering Record.

The Montana Central Railroad ore loading complex has been photographed and documented in accordance with the Historic American Engineering Record's standards. This data has been furnished to the Montana Historical Society and will be made available to any other appropriate repository such as the Montana Bureau of Mines and Geology.

This mitigation measure is incorporated in the Memorandum of Agreement among the FHWA, the SHPO, the Montana Department of Highways and the Advisory Council as required by Section 106 of the National Historic Preservation Act of 1966.

## VII COORDINATION

As part of the environmental assessment phase of this undertaking, the University of Montana was authorized to conduct an archaeological reconnaissance survey along the proposed alignment.

The study covered the first 5.5 miles, but it was recommended that an historical study be performed within the project area due to the potential National Register eligibility of several historic resources including the townsite of Basin. The SHPO notified the FHWA that a National Register nomination for Basin and an outlying multiple resource area which covers an extensive area within the transportation corridor had recently been submitted to the Keeper of the Register. A copy was provided to the FHWA with the suggestion that a determination of eligibility be requested.

The individual who prepared the nomination was consulted frequently and, in fact, was hired to aid in evaluating the resources and effects caused by interstate construction.

After the resources and effects to the historic district proper had been analyzed, a determination was requested of the Keeper of the

Register in the form of a concensus determination of eligibility, i.e., all signatories were in concurrence as to the resource's eligibility.

The Advisory Council on Historic Preservation has been contacted for comment on the proposed undertaking and mitigation plan. The signed Memorandum of Agreement represents the satisfactory resolution of problems and concerns relative to the protection of cultural resources. Correspondence from the State Historic Preservation Officer (Exhibit 5) indicates that the Historic American Engineering Record has furnished the photographic record of the ore loading complex to the Montana Historical Society.

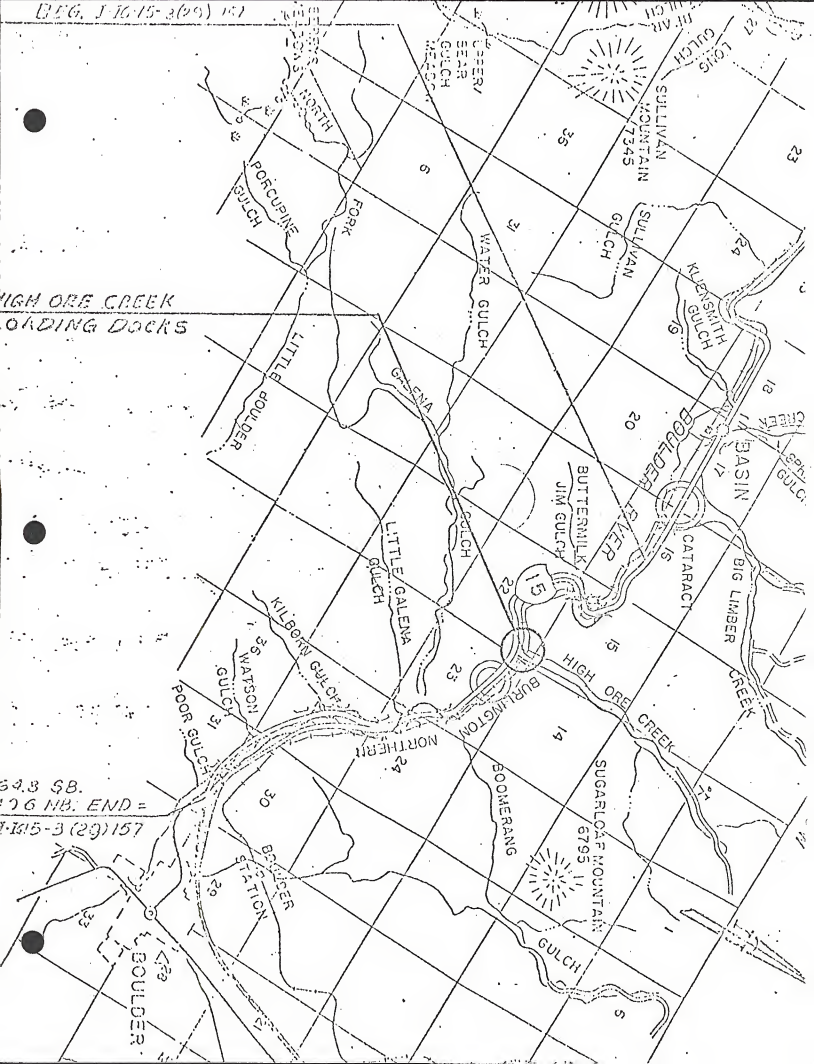
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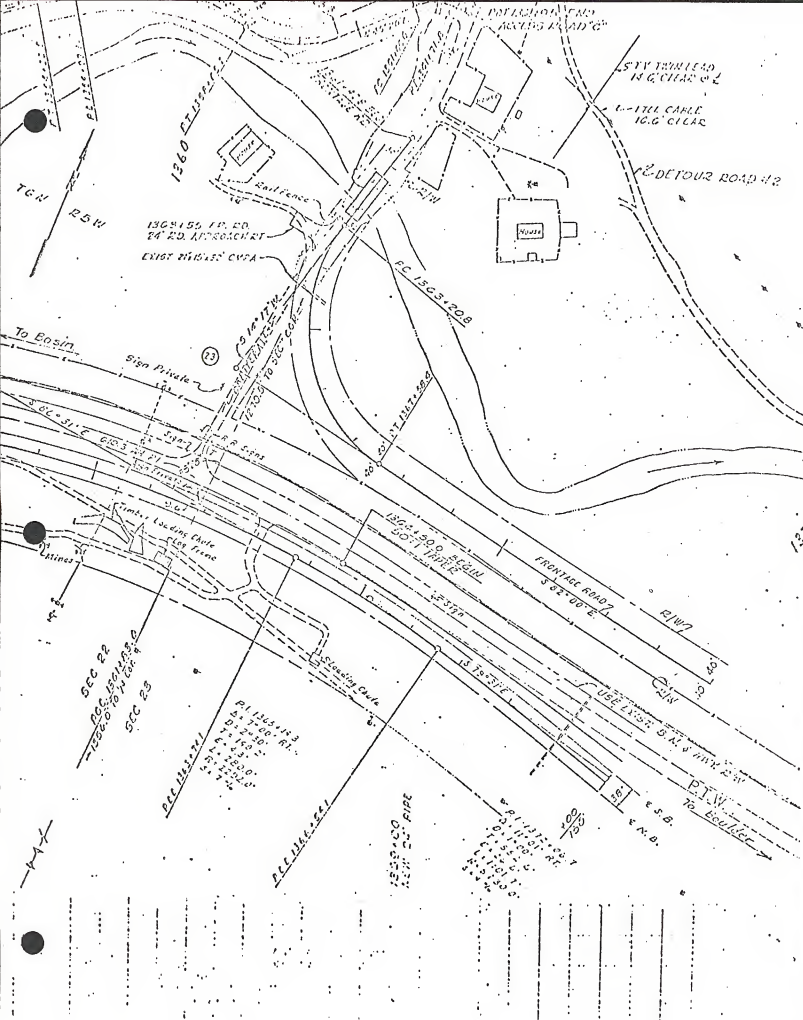
EXHIBITS

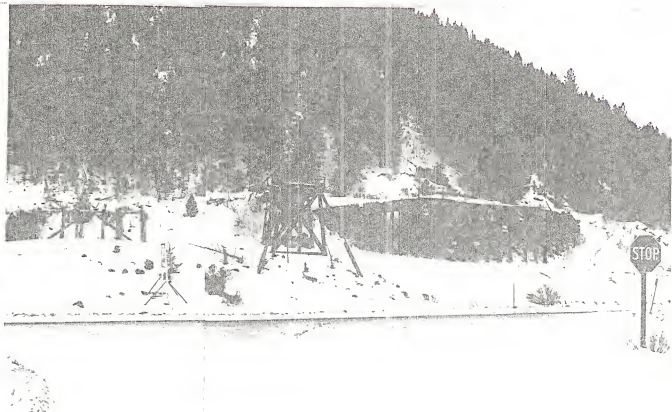


HIGH ORE CREEK  
LOADING DOCKS

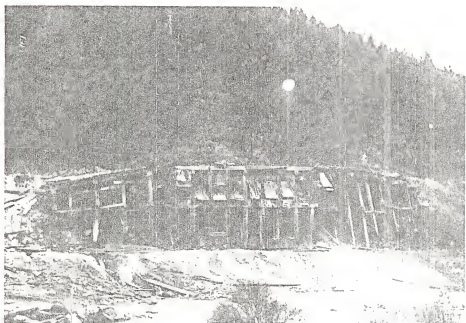
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1-16-15-3(29) 157







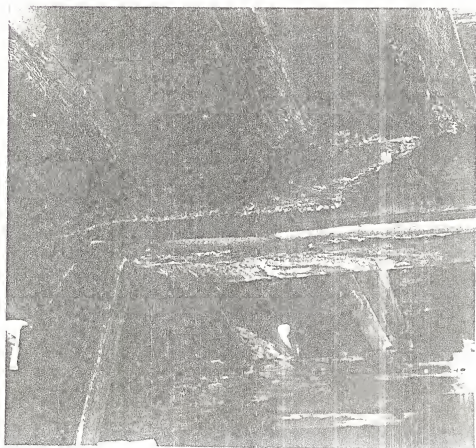
Montana Central Railroad ore loading complex viewed from the junction of U. S. 91 and High Ore Creek Road facing south. (Structures are numbered 1, 2, and 3 respectively from left to right).



Structure #1. Note concentrate bins in center.



Structure 1 1/2



View of side of structure showing deterioration and condition of masonry.



United States Department of the Interior

HERITAGE CONSERVATION AND RECREATION SERVICE  
WASHINGTON, D.C. 20240

IN REPLY REFER TO:  
661

Mr. H.N. Stewart  
Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
Montana Division, Region 8  
Federal Office Building  
301 S. Park, Drawer 10056  
Helena, Montana 59601

JUL - 2 1979

Mr. Stewart:

Thank you for your letter requesting a determination of eligibility for inclusion in the National Register pursuant to Executive Order 11593 or the National Historic Preservation Act of 1966, as amended. Our determination appears on the enclosed material.

As you understand, your request for our professional judgment constitutes a part of the Federal planning process. We urge that this information be integrated into the National Environmental Policy Act analysis in order to bring about the best possible program decisions. This determination does not serve in any manner as a veto to uses of property, with or without Federal participation or assistance. Any decision on the property in question and the responsibility for program planning concerning such properties lie with the agency or block grant recipient after the Advisory Council on Historic Preservation has had an opportunity to comment.

We are pleased to be of assistance in the consideration of historic resources in the planning process.

Sincerely yours,

Charles A. Herrington  
Acting Keeper of the National Register

Enclosure

E.O. 11593

DETERMINATION OF ELIGIBILITY NOTIFICATION  
NATIONAL REGISTER OF HISTORIC PLACES  
OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION  
HERITAGE CONSERVATION AND RECREATION SERVICE

Request submitted by: DOT/FHWA/D. Lewis

Date request received: 2/12/79

Name of property: Montana Central RR Ore Loading Complex State: MT

Location: Highway U.S. 91, east of Basin

Opinion of the State Historic Preservation Officer:

(☒) Eligible ( ) Not eligible ( ) No response

Comments:

The Secretary of the Interior has determined that this property is:

(☒) Eligible Applicable criteria: A.C

Comments: 30 CFR Part 63.3  
Determination

( ) Not eligible

Comments:

( ) Documentation insufficient (see accompanying sheet explaining additional materials required)

\_\_\_\_\_  
Keeper of the National Register

Date: \_\_\_\_\_

Advisory  
Council On  
Historic  
Preservation

1522 K Street NW  
Washington D.C.  
20005

MEMORANDUM OF AGREEMENT

WHEREAS, the Federal Highway Administration (FHWA) proposes to assist the State of Montana with construction of Interstate 15 between Butte and Boulder, Montana; and,

WHEREAS, the FHWA, in consultation with the Montana State Historic Preservation Officer (SHPO), has determined that this undertaking as proposed would have an adverse effect upon properties in the Basin Historic District, Jefferson County, Montana, which have been determined eligible for the National Register of Historic Places; and,

WHEREAS, pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f, as amended, 90 Stat. 1320) and Section 800.4(d) of the Advisory Council on Historic Preservation (Council) regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800), the FHWA has requested the comments of the Council; and,

WHEREAS, pursuant to Section 800.6 of the Council's regulations, representatives of the Council, the FHWA, and the Montana SHPO have consulted and reviewed the undertaking to consider feasible and prudent alternatives to avoid or satisfactorily mitigate the adverse effect; and,

WHEREAS, the Montana Department of Highways was invited and participated in the consultation process;

NOW, THEREFORE, it is mutually agreed that the undertaking will be implemented in accordance with the attached proposal from H. N. Stewart, Division Administrator for Montana, FHWA, to minimize adverse effects on the above-mentioned properties.

Robert H. Utley 4/20/79 (date)  
Deputy Executive Director  
Advisory Council on Historic Preservation

Page 2  
Memorandum of Agreement  
Basin Historic District  
Federal Highway Administration

Robert W. Smith

(date) 4/10/79

Chairman  
Advisory Council on Historic Preservation



## MEMORANDUM OF AGREEMENT

WHEREAS, the Federal Highway Administration (FHWA) proposed, to assist the Montana Department of Highways in construction of Interstate Highway Route 15 in Jefferson County, Montana and,

WHEREAS, FHWA has determined that this undertaking as proposed would have an adverse effect upon several historic sites in the vicinity of Basin, Montana, said sites being eligible for inclusion in the National Register of Historic Places; and

Whereas, pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. §470f, as amended, 90 Stat. 1320), the FHWA has requested the comments of the Advisory Council on Historic Preservation (Council); and;

WHEREAS, pursuant to the procedures of the Council (36 CFR Part 800), representatives of the Council, the FHWA, and the Montana State Historic Preservation Officer (SHPO) have consulted and reviewed the undertaking to consider feasible and prudent alternatives to avoid or satisfactorily mitigate the adverse effect; and,

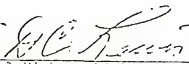
WHEREAS, the Montana Department of Highways was invited and participated in the consultation process;

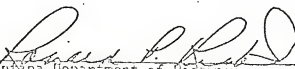
NOW, THEREFORE, it is mutually agreed that implementation of the undertaking, in accordance with the following stipulations will satisfactorily mitigate any adverse effect on the above-mentioned property.

### Stipulations

- 1) A series of interpretive signs will be designed in consultation with the Montana State Historic Preservation Officer. These will be erected primarily off to the side of the frontage road connecting Basin and Boulder and will evince the various significant historic sites along the route.
- 2) Site 24JF 180, Montana Central Ore loading complex will be recorded and photographed as recommended by the Historic American Engineering Record and the information forwarded to the HEAR. The structures will then be dismantled.
- 3) The location of the Basin Historic District will be shown on the Montana Highway map.
- 4) None of the buildings within Basin shall be directly impacted by the construction of Interstate 15 with the exception of Site 24JF193, the log outbuilding near the "150" House. In this instance, a log outbuilding within proposed highway right-of-way will be repositioned on the property to accommodate the alignment of I 15. The plans detailing the layout of the property and structures will be sent to the Advisory Council for its comment prior to moving it.

- 5) Highway activities will not endanger the integrity of the timber bridge spanning the Boulder River just west of Basin. The bridge will serve no practical purpose once the Interstate is constructed. It will be evaluated as part of the statewide historical bridge inventory at a later date. There will be no impact to the bridge until a determination of eligibility is made.
- 6) Every effort will be made to avoid further deterioration of the Jib Mine Flume and Jib Mill Foundation, Sites 24JF196 and 197. If any damage occurs it will be repaired.

  
Federal Highway Administration

  
Montana Department of Highways

  
State Historic Preservation Officer

Advisory Council on Historic Preservation



## MONTANA HISTORICAL SOCIETY

## HISTORIC PRESERVATION OFFICE

225 NORTH ROBERTS STREET • (406) 449-4584 • HELENA, MONTANA 59601

December 11, 1979

MONTANA DEPT. OF HIGHWAYS  
RECEIVED

DEC 13 1979

HELENA, MONTANA

Mr. Stephen C. Kologi, P.E., Chief  
Preconstruction Bureau  
Department of Highways  
Helena, MT 59601


1-15-3(29)157  
Basin-Boulder

Dear Mr. Kologri:

I have received the Historic American Engineering Record photographic documentation of the Ore loading structures at High Ore Creek on the above project. The photographs as per our agreement fulfill your responsibility in regard to the mitigation of this site.

Thank you for your cooperation.

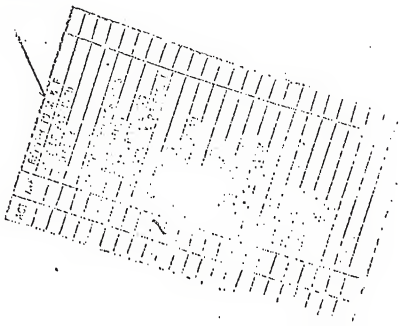
Sincerely,

Sincerely,  
  
Dr. Robert Archibald  
Acting SHPO

RA/EV/prb

cc Louis Wall, Advisory Council

Date Recd. Present: 12-13-53 Jan Comp, HAER

[illegible]

*Mail & File*



# MONTANA HISTORICAL SOCIETY

## HISTORIC PRESERVATION OFFICE

225 NORTH ROBERTS STREET • (406) 449-4584 • HELENA, MONTANA 59601

December 13, 1979

Mr. Stephen C. Kologi, P.E., Chief  
Preconstruction Bureau  
Department of Highways  
Helena, MT 59601

1-15-3-(13)  
Basin-Boulder

Dear Mr. Kologi:

Your draft Section 4[F] Statement on the above project appears to be complete. The photographic record of the ore loading chutes provided by the Historic American Engineering Record is filed in the Historic Photo Archives at the Montana Historical Society.

Thank you for your continued cooperation in this project.

Sincerely,

*Robert Archibald*  
Dr. Robert Archibald  
Acting SHPO

RA/EV/prb

Date Recd. Preconst. 12/17/79				
Act	Info	MAIL ROUTE	Act	Info
		30		
		30 Proj. Specifications		
		31 Contract Plans		
		32 Loc. Road Design		
		33 Environmental		
		34 Hydraulic		
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# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

ER-79/1161

FEB 5 1980

Dear Mr. Stewart:

This is in response to the request for the Department of the Interior's review and comments on the draft Section 4(f) statement for I-15 (Basin to Boulder), Jefferson County, Montana.

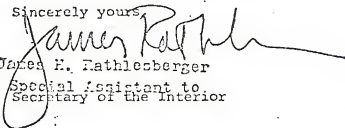
Based upon our review of the subject document and discussions with Montana historic preservation officials, we concur that there is no feasible and prudent alternative to the demolition of the ore loading complex, and that documentation to Historic American Engineering Record standards constitutes appropriate mitigation.

However, we believe that the procedure utilized for this project is inappropriate and not in conformance with the provisions of Section 4(f) of the Department of Transportation Act. Specifically, the draft statement contains an executed Memorandum of Agreement for demolition of the ore loading complex. In executing this Memorandum of Agreement, the Federal Highway Administration has determined that there is no feasible and prudent alternative to the use of lands from an historic site prior to consulting with the Secretary of the Interior pursuant to Section 4(f).

Execution of a Memorandum of Agreement prior to Section 4(f) consultation not only seriously compromises this Department's review authority and responsibility, but also appears to have resulted in significant and unnecessary project delays. It is our understanding that the Preliminary Case Report was submitted to the Advisory Council on Historic Preservation in February 1979; we did not receive the draft Section 4(f) statement until December. We believe that concurrent consultation with this Department pursuant to Section 4(f) and with the Advisory Council under Section 106 would have resulted in far more expeditious review and approval of the proposed project. We strongly recommend such a procedure for future Section 4(f) cases involving historic or archeological resources.

Because of our concerns about the processing of Section 4(f)/Section 106 cases, by copy of this letter we are advising the Assistant Secretary of Transportation for Policy and International Affairs of our views.

Sincerely yours,

  
James H. Rathlesberger  
Special Assistant to  
Assistant Secretary of the Interior

Mr. Harold N. Stewart  
Division Administrator  
Federal Highway Administration  
301 South Park, Drawer 10056  
Helena, Montana 59601

cc: Ronald P. Richards  
Director of Highways  
Montana Department of Highways  
6th Avenue and Roberts  
Helena, Montana 59601

Assistant Secretary of Transportation  
for Policy and International Affairs

A draft Memorandum of Agreement was sent to the Advisory Council on February 14, 1979 to determine if they agreed that there were no feasible and prudent alternatives to the proposed alignment that would affect several sites eligible for listing on the National Register as required by section 106. The reply to our draft was an executed Memorandum of Agreement dated April 24, 1979. We then prepared a draft 4(f) evaluation but at that time local interests indicated concern about the proposed design in Basin so we deferred action on the entire section 4(f) evaluation until the local concerns were considered.

Since the studies at Basin were taking longer than anticipated and since the ore loading chute is not in the area of concern, we processed the draft 4(f) evaluation for just the ore loading chute.

In the future we will seek DOI input earlier.